

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 11-1816

UNITED STATES OF AMERICA,

v.

MARK C. WEST,
Appellant

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. Criminal No. No. 05-cr-00366-001)
District Judge: Honorable J. Curtis Joyner

Submitted for Possible Summary Action
Pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6
May 31, 2011

Before: McKEE, Chief Judge, ALDISERT and WEIS, Circuit Judges
Opinion filed June 30, 2011

OPINION

PER CURIAM.

Mark C. West pleaded guilty to mail and insurance fraud. In January 2008, the District Court sentenced him to 60 months in prison. West appealed. We granted the Government's subsequent motion to enforce West's appellate waiver and to summarily

affirm the District Court's judgment.

West then filed a pro se motion pursuant to 28 U.S.C. § 2255. The Government responded by moving to dismiss the motion pursuant to the appellate waiver and by arguing that the claims were without merit. The District Court appointed counsel for West from the Federal Courts Division of the Defender Association. In November 2010, after a hearing at which West and his counsel were present, the District Court permitted West to withdraw his § 2255 motion.

In March 2011, West wrote a letter to the District Court. He asked the District Court to appoint counsel, other than someone from the Defender Association, to represent him in an attempt to be resentenced to home confinement because of his medical ailments (which he listed for the District Court) and his age (78 years old). The District Court denied his motion in a short order, adding in a footnote that West did not show why counsel other than a Federal Defender is warranted.

We have jurisdiction pursuant to 28 U.S.C. § 1291. See Isidor Paiewonsky Assocs., Inc. v. Sharp Properties, Inc., 998 F.2d 145, 149-51 (3d Cir. 1993). We review for abuse of discretion an order denying the appointment of counsel. See United States v. Nichols, 30 F.3d 35, 36 (5th Cir. 1994).

Because no substantial issue is presented on appeal, we will summarily affirm the District Court's order. See Local Rule 27.4; I.O.P. 10.6. The District Court did not abuse its discretion in denying West counsel. It is unclear under what authority West could win a reduction or change in his sentence based on the reasons he gave in his

letter motion. It is also unclear why counsel other than someone from the Federal Defender Association would be necessary if counsel were to be appointed. The District Court committed no error.